

## UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

Case No.

ADAIN SALCIDO-PEREZ,

13-MS-804-FLN

## CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about November 21, 2013, in Hennepin County, in the State and District of Minnesota, the defendant, Adain Salcido-Perez, an alien who had previously been removed from the United States on or about February 2, 1999, subsequent to a conviction for an aggravated felony, namely, a conviction in August 1993, in Ramsey County District Court, in the State of Minnesota, for possession with intent to sell marijuana, knowingly and unlawfully entered and was found in the United States without having obtained the consent of the Attorney General of the United States, or his successor, the Secretary of Homeland Security, to re-apply for admission into the United States, all in violation of Title 8, United States Code, Sections 1326(a)(1) and (b)(2) and Title 6, United States Code, Sections 202 and 557. I further state that I am a Deportation Officer for the United States Department of Homeland Security and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

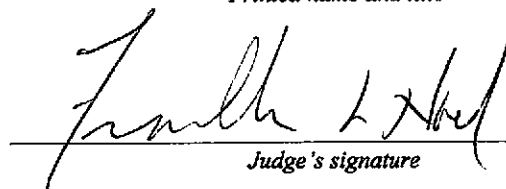
Complainant's signature

Barbara Kennedy, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/10/13

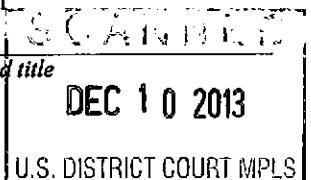


Judge's signature

City and state: Minneapolis, MN

The Honorable Franklin L. Noel  
U.S. Magistrate Judge

Printed name and title



STATE OF MINNESOTA )  
 )  
COUNTY OF HENNEPIN )

**ss. AFFIDAVIT OF BARBARA KENNEDY**

Your affiant, being first duly sworn and under oath, hereby states and deposes as follows:

1. Your affiant has been employed with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS) since February 6, 2006; she began her career as an Immigration Enforcement Agent. On June 22, 2008, affiant was promoted to Deportation Officer.
2. As a Deportation Officer, affiant is charged with the responsibility of overseeing the cases of aliens in removal proceedings. Duties include the review of alien files for legal sufficiency, the detention and release of aliens in ICE custody, monitoring of the removal proceedings, and the enforcement of the immigration court's decision, including removal from the United States.
3. This affidavit is based upon affiant's training, experience, personal knowledge; upon discussions with other law enforcement officers and agents directly involved in this investigation; and upon review of official reports and documents related to this investigation.
4. This affidavit is made for the purpose of establishing probable cause in support of a federal complaint and arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this affidavit, your affiant believes that probable cause exists to support that on or about November 21, 2013, in Hennepin County, in the District of Minnesota, Adain Salcido-Perez, (hereinafter the "defendant"), a citizen and national of Mexico, was found to be unlawfully present in the United States after having been previously removed, without the consent of the Attorney General or his successor, the Secretary of the Department of Homeland Security, or any other designated and authorized representative, to re-apply for admission to the United States, and the defendant's removal was subsequent to a conviction of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a)(1) and 1326(b)(2), and Title 6, United States Code, Sections 202 and 557.
5. On November 21, 2013, the defendant was encountered by the St. Paul ICE Fugitive Operations Team, in Richfield, MN. Defendant was identified as part of the national ICE Operation Criminal Alien Removal Initiative (CARI). Deportation Officer (DO) Martin Arredondo determined the defendant to be unlawfully present in the United States without proper immigration documents which would allow the defendant to be in, pass through, or remain in the United States. Defendant was then placed under arrest and transported to the St Paul ICE Field Office without incident.
6. At the ICE facility, the defendant's fingerprints were rolled, scanned and electronically submitted into the Department of Homeland Security's Automated Biometric Identification System (IDENT) and the Federal Bureau of Investigation (FBI) Integrated Automated Fingerprint Identification System (IAFIS). IDENT and IAFIS positively matched and linked the defendant's fingerprints to alien registration number A029572224, FBI number 683772TA4, and DHS Fingerprint Identification Number (FIN) 1121420930, revealing the defendant's previous immigration and criminal history.

7. Based on IAFIS and IDENT verification of the defendant's prior history, your affiant reviewed the defendant's unique immigration alien file (hereinafter "A-file") A029572224. The defendant's A-file contains photographs, fingerprints and immigration documents identifying the defendant as a citizen and national of Mexico, who has been ordered removed and physically removed from the United States to Mexico, prior to being found in the District of Minnesota in November 2013.
8. The defendant's A-file contains immigration records that confirm he was previously arrested by ICE and ordered and physically removed from the United States on or about February 2, 1999, through the Brownsville, TX, port of entry.
9. On August 9, 1993, the defendant was convicted of possession with intent to sell marijuana, an aggravated felony, in violation of Minnesota Statute 152.025, Subdivision 1(1), in Ramsey County District Court in St. Paul, Minnesota.
10. Further review of the defendant's A-file, and immigration computer records, reveals that subsequent to the defendant's removal on February 2, 1999, the defendant has not applied for, nor received, permission to enter the United States from the Attorney General or any other designated representative, as defined in the Immigration and Nationality Act (INA) Section 241(a)(5) codified under Title 8, United States Code, Section 1231(a)(5). The defendant is currently detained in ICE custody, classified as mandatory detention, per INA Section 241(a)(2), codified under Title 8, United States Code, Section 1231(a)(2).
11. Based on these facts, your affiant has reason to believe that defendant Salcido-Perez is in violation of Title 8, United States Code, Sections 1326(a)(1) and 1326(b)(2), unlawful re-entry after removal, in that he was ordered removed, subsequently physically removed following the conviction of an aggravated felony, and then found in the United States without consent of the Attorney General, or the Secretary of the Department of Homeland Security, or any other designated and authorized representative.

Further Your Affiant Sayeth Not.



Barbara Kennedy, Deportation Officer  
Immigration and Customs Enforcement  
Department of Homeland Security

SUBSCRIBED and SWORN to Before Me

This 10<sup>th</sup> day of December, 2013



Honorable Franklin L. Noel  
United States Magistrate Judge